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WICHITA FIRE IS WORST IN HISTORY

Near-By Kansas Towns Send Apparatus to Aid in Fierce Battle With the Flames.

Wichita, Kans., Sept. 28.—With the fire spreading rapidly in both directions and the entire city fire department apparently powerless to check its progress, the fire now raging on East Douglas avenue bids fair to be the largest in the history of the city. Two firemen and three spectators are reported buried under a brick wall which fell into a crowded alley at midnight.

Driver W. C. McFall, of hook-and-ladder wagon at Central fire station, is dead at the Wichita hospital, having been injured under the falling wall. No names have been obtained of those who are buried under the wall. Two of them are firemen.

The injured: George Reese, Fort Smith, Ark., jaw broken; Earl Smith, Wichita, dangerously crushed under falling wall; A. C. Brown, Wichita, leg broken and other injuries; one unknown spectator injured internally.

The fire started at 10:50 last night in the F. G. Smith wholesale broom-corn storehouse, which was packed with broom-corn. This building, the G. W. Hall Commission company and the O. A. Boyle Commission company storehouses have been completely destroyed. The Houser-Garrison Wholesale Dry Goods company is on fire, and the fire is spreading west to the Santa Fe tracks and main business center of the city.

The loss at 12:30 o'clock is conservatively estimated at fully half a million and the fire is still unchecked.

It is reported that the fire department hopes now to hold the fire from spreading further. The Houser-Garrison Wholesale Dry Goods company building has several times been on fire, but has been saved so far. No other dead have as yet been recovered or their names learned.

STATE RESTS CASE IN TRIAL OF BOB DAVIS

Muskogee, Okla., Sept. 28.—The state rested Wednesday afternoon in the murder case of Bob Davis, charged with the murder of Deputy Sheriff James Work, last May. Amon Davis, who was jointly charged with the murder, was discharged Wednesday on motion of the prosecuting attorney. The death of Work was a result of the Davis-Hester feud in the southern part of Muskogee county.

The state played its trump card Wednesday when it placed on the witness stand "Bud" Robertson, an eye witness, who was with Work when he was killed. He told the story of the fight in detail, and admitted that Work fired the first shot. The state is basing its case on the theory that Davis killed Work, knowing that the deputy sheriff was trying to serve warrants on him. Work was a prominent member of the A. H. T. A.

The defense will make its fight on the theory that Davis did not know that Work had a warrant for him and that he fought back and killed Work because he thought he was being attacked at his own home. On account of the bitter feeling over the feud, none except women are allowed to enter the courtroom during the trial without being searched for arms.

The bloody shirt that Work wore when he was killed was exhibited in court Wednesday and the widow was called upon to identify it. She broke down and had to be assisted from the witness chair after the ordeal.

ESTELLA.

Little Rural Fields, the sixteen-months-old baby of Mr. and Mrs. Matt Fields died Monday, from injuries from carbolic acid.

Mrs. George Calvert returned home from Timber Hill Tuesday.

Miss Nellie Casto and Herbert Hendricks were united in marriage at the home of the bride's brother, Frank Casto, by Brother Butler of Foyl.

Miss Frankie Ballinger and Charley McNeely were united in marriage at the home of the bride's parents. Miss Frankie was one of Estella's most popular young ladies and has taught a successful school two years at and near Estella. They have the best wishes of their neighbors.

Oklahoma Court Opinions.
Oklahoma City, Sept. 28.—Opinions in the following cases have been filed by the criminal court of appeals:

Affirmed—Ed Robinson, Kiowa county; Bert Alexander, Garfield county; J. W. Gillespie, Garfield county; Tom Ratcliff, two cases, Ellis county; Roy Goodpaster, Craig county; Ed Meshea, Pittsburg county; Burt White, Pottawatomie county; A. J. Littrell, Wagoner county; Bert Austin, Ottawa county; all for violations of the prohibition law; Curt Revard, Osage county, drinking.

Reversed—J. D. Weaver, Muskogee county; Charles Trione, Muskogee county; Bert Grant, Pottawatomie county; Julia A. Thurston, Osage county; J. C. Collins, Muskogee county; E. Robinson and James Poteet, Logan county; A. G. Kelly, McClain county.

BRYAN'S ADDRESS ENDS CONVENTION

Annual National Conservation Congress Comes to Successful Close in Kansas City.

Kansas City, Mo., Sept. 28.—After William J. Bryan had delivered an address last night before a large audience in Convention hall, the third National Conservation Congress finally adjourned.

"Conservation," said Mr. Bryan, "is a subject that grows. Begin, for instance, with the consideration of forestry and you are confronted with the soil question. Agricultural colleges as the panacea for farm ills then come before you. But at last you come to the matter of social conditions. This is the question of man himself. His health, his hopes, his character are the great controlling principles that govern life and conduct. These become primary subjects and all other forms of conservation become methods through which he works out the problem of advancement."

Mr. Bryan was on the platform when Walter L. Fisher, secretary of the interior, addressed the congress yesterday on the subject, "Conservation and the Public Domain."

A general demand for a speech from Mr. Bryan prompted him to make an informal talk, in which he said that an utterance on conservation by the secretary of the interior was of more interest than that of any other man, for "while other men can advise, he can act."

When Mr. Bryan sat down many of the spectators started to leave but an announcement from the chairman that a letter from former President Roosevelt was to be read, stopped the confusion at once. Mr. Roosevelt's letter explained why it was impossible for him to attend the congress this year.

Secretary Fisher in his speech strongly urged the passing of government-owned coal lands, with particular reference to those in Alaska.

SPECIAL RAILROAD RATES TO ALL-SOUTH CONFERENCE

Montgomery, Ala., Sept. 28.—Managing Director Dawe, of the Southern Commercial Congress, who is here to address the Business Men's League regarding the All-South Conference, to be held in Memphis October 9th, today received a telegram from the Business Men's Club of Memphis announcing that special railroad rates are to go into effect for the All-South Conference and also for the fourth annual convention of the Southern Commercial Secretaries' Association, to be held in Memphis October 10th and 11th. These rates are one and one-third fare from points in Tennessee, except Chattanooga and one and one-half fare from all other southeastern territory lying south of the Ohio and Potomac rivers. Tickets will be issued on the certificate plan, full fare being required for the going trip and the purchaser procuring certificate for validation in Memphis, thus securing the reduced rate on the return journey.

Coal Baron's Son Weds.

McAlester, Okla., Sept. 28.—Roy Cleveland Busby, second son of Col. William Busby, and Miss Pearl Wilkins, daughter of Judge J. H. Wilkins, former United States district attorney, were married at the home of the bride at 8 o'clock Wednesday night. An hour later a reception was given at the home of Colonel Busby, special cars conveying 250 guests from one home to the other.

GOVERNOR OPPOSED TO CALLING EXTRA SESSION

Cruce Issues Letter Explaining Why He Will Not Call Legislators Together--- Declares Seventy-Seven Per Cent of Tax Payers Are Opposed---Expense of Another Session Governor Says is Too Much

Governor Cruce has refused to call the legislature in extra session and has issued the following letter in explanation of his stand:

It occurs to me that the time has come for me to speak definitely upon the subject of a special session of the legislature. The uncertainty that exists at this time is disquieting to the public mind and hurtful to the best interests of the state and its citizens.

Hardly had the regular session of the legislature ended its labors and its members gone to their homes before a well defined movement was set on foot to induce me to call a special session. In fact, I was informed while the legislature was still in regular session that a special session would be unavoidable. After congress had tardily acted upon and passed the reapportionment bill the demands made upon me for a special session became insistent, persistent and numerous. To all of these appeals I made the one answer—that to my judgment nothing had transpired that made a special session either necessary or desirable. I was then met with the argument that the people of the state wanted it, and that I should bow to their will. To this I replied that while I was unalterably opposed to a special session, yet if I was convinced that the tax-payers of the state, who would have to bear the added burden, desired it, I would not stubbornly stand in the way. Thereupon I set to work to acquaint myself with the real situation in this regard.

First, I addressed a letter to each member of the present legislature, asking his opinion upon the question; second, I addressed a letter to each newspaper of the state, asking information as to the desires of the tax-payers in the state upon the matter, with the following result: Of the members of the lower branch of the legislature, who answered my request, twenty-nine per cent opposed the call; of the senators, forty-one per cent opposed it; of the editors who wrote me, seventy-seven per cent were in opposition, while of the letters that reached me from individual tax-payers, seventy-seven per cent plead with me to refuse the call. From this it is seen that the percentage in the newspaper column is identical with that of the individual tax-payers, which certainly argues strongly that the newspapers have quite accurately ascertained and reported public opinion upon this important issue. It also shows plainly that my first determination in the matter was in harmony with the desires of the great majority of the tax-payers of the state. In addition to all this, the Federated Labor Unions of the state in convention assembled passed strong resolutions, urging me in the interest of the tax-payers and laborers of the state, to issue no call. Similar resolutions were passed by the Oklahoma-German-American association, and various other organizations of the state and transmitted to me.

Various reasons are assigned for a special session by those who advocate the call, but practically all who favor the session agree that two propositions need speedy consideration—to wit, the proposition to erect the capitol, and the redistricting of the state into congressional districts. With reference to the first proposition—this legislature has already acted upon the question of a capitol, and that the building is not now in course of construction is no fault of the legislature. When the funds are made available that were contracted to be paid the state, the work will go forward. I do not believe that the legislature could hasten its payment, and I am sure that there is nothing that can be done in special session that cannot be done equally as well in regular session.

Nor do I think the redistricting of the state will warrant me in calling a special session. The three additional representatives in congress, to which the state is entitled, can be elected from the state at large, and while it may work a greater hardship upon those who become candidates for these positions, it occurs to me the larger interest of all of the people in the matter should have the first consideration. At the next regular session a redistricting bill can be passed, and in the meantime the three representatives who will be elected from the state at large, will, I am sure, be representative citizens who will properly represent our people and their interests at the national capital.

Many other matters have been proposed for submission to the legislature which are sufficiently important to justify speedy action. In fact, if all of the propositions advocated should be submitted, it is impossible to forecast when the session would end. However, it does not occur to me that any of these questions are of such urgent character as to justify the expense of a special session of the legislature at this time.

But there are other and stronger reasons for holding no special session. Since statehood the legislature has, been in session, exclusive of Sundays and holidays, three hundred and seventy-two days, at a cost to the tax-payers of the state of \$667,177.01. According to these figures, our legislature has been in session practically one-third of the entire time intervening since statehood, and since the framers of our constitution deemed one-twelfth of the time ample to pass all needed laws, it cannot be said that sufficient opportunity has not been given to pass all such laws in this state. No session of the legislature, special or regular, has ever convened in this state that cost the people less than \$100,000. It is quite certain that a special session at this time would cost, at the least, \$100,000 and possibly much more. This is a burden I am unwilling to place upon the bending backs of our tax-payers without a greater necessity therefore shall come to pass.

In addition to all this, we have our remedy through the initiative. There is not a single measure that has been proposed to me for legislative action that could not be initiated by the people; and since no effort is being made by the people to initiate any of these measures, it is evident they see no pressing need for immediate action.

Some have urged as a reason for calling a special session the interests of the democratic party. My answer to this is: My first and supreme duty is to the entire citizenship of the state. No governor can justify himself in entailing additional burdens upon the taxpayers of a state for the sole purpose of subserving the interests of a political party. In adhering to this policy I am deceiving no man in this state. As a candidate for governor I repeatedly stated that if elected I would be governor of all the people of the state, and that if democrats were supporting me upon the theory that, if elected, I would use the office to build up the democratic party at the expense of all the people of the state, they had better not elect me, for I would certainly not be that kind of governor. Since I have been governor, in the face of violent criticism and tremendous pressure, I have kept faith with the people, and I expect to pursue this policy to the end of my term of office. I have no apprehension of democratic disaster as long as we deserve the support and confidence of the people.

What the people need, what the people want, what the people must have, is legislative rest. Give us a breathing spell. Let us take an inventory and see what we have done in a legislative way since November 16th, 1907. Give us the opportunity to put into operation the laws we have and study results. Then if changes are needed or new laws desirable we can set ourselves to the task of rewriting them; but let us not be too hasty in casting reflection upon what has been done by saying that the carefully considered work of 372 legislative days

Should Be Seen Again.

"The Lion and the Mouse," a play that has enjoyed over three years of unbroken duration as a supreme success, will be brought to the Grand Theater in the early future by the United Play company. While this great drama may have been seen and enjoyed by many local playhouse patrons it is fair to assume that they will follow the example set throughout the country in their desire to witness the dealings and misdoings of John Burckett Ryder, afresh. Charles Klein has filled this play with such rapid action and bright material for serious thought that one fails to realize the full meaning of the author in seeing, "The Lion and the Mouse" but once. A company of players said to surpass any yet seen in this play will enact the many difficult roles. The scenic equipment will be complete in every detail and a delightful engagement is expected.

OPINIONS FROM NEW COMMISSION

First Ruling of Supreme Court Commission Created at Last Session of the State Legislature.

Oklahoma City, Sept. 28.—The first gist of opinions to be handed down by the supreme court commission, which was created September 1 to assist the state supreme court in clearing its dockets were delivered yesterday by the first division of the commission, composed of Judges Ames, Sharp and Robertson.

In the cases of Salda Barkett and Rosa Diab, in which both recovered damages for personal injuries from the Oklahoma City Street Railway company in the district court of Oklahoma county Presiding Judge Ames held that neither was entitled to recover, and the case was reversed and remanded. The same syllabus was applied to both cases as they arose from the same accident. The opinion holds that it is error for the court to hold that the plaintiff may recover notwithstanding his contributory negligence if the plaintiff failed to exercise reasonable care to avoid the injury after she discovered, or by the exercise of reasonable care might have discovered, that the accident was imminent. It is further held that both the plaintiff and defendant had equal rights to the use of the streets, and if equal negligence is shown on the part of both there can be no recovery.

In an opinion by Presiding Judge Ames the judgment of the district court of Bryan county in allowing damages to C. R. Allen for failure of the Western Union Telegraph company to deliver a message to him is affirmed. According to the record Allen arranged with E. M. Moore, his agent at Pauls Valley, to purchase for him a certain piece of land if it could be obtained for \$1,600 and to wire him at Hawarden, Ia., if the land could be purchased for the price. Allen did not receive the telegram, and after waiting several weeks for a reply Moore purchased the land himself and sold it at a profit of \$800, whereupon Allen brought suit against the Western Union for damages and recovered. In affirming the opinion the court holds that in the transmission of the telegram the telegraph company became the principal's agent and was liable for damages.

It is held that a homestead is abandoned by the acquisition of another in an opinion by Presiding Judge Ames, in which the case of the Northwest Thresher company vs. G. T. McCarroll and Sadie McCarroll, appealed from the district court of Grant county, is reversed and remanded.

The action of the district court of (Continued on Last Page.)

so soon needs to be supplemented or corrected.

To sum up, there will be no special session of the legislature as the necessity therefor does not exist. So let the farmer return to his field, the business man to his business, the professional man to his office, while the disappointed politician continues to indulge in what seems to be with him the very pleasant pastime of trying to embarrass the governor and discredit the administration.

I shall go forward serving the people the best I can conscious of the fact that, while I have incurred the displeasure of a few self-seeking politicians, I have thereby saved the already overburdened taxpayers of the state not less than one hundred thousand dollars.

LEE CRUCE, Governor.

BARNUM AND BAILEY AMAZE BIG CROWD

From Beginning of Parade Until End of Last Performance The Show is a Rare Sight.

From Thursday's Daily.

It is estimated that at least 10,000 people saw Barnum & Bailey's shows here yesterday, while hundreds of others were here to see the parade, and made circus day an opportunity to come to town to do their shopping.

In all of that throng it is doubtful if there were a dozen persons, who were dissatisfied with the splendid shows. The writer has gazed in wonder upon the great menageries of Ringlings, Forepaugh & Sells Bros., Wallace-Hagenbeck and many others of the best shows, and has been amazed at the marvelous performances of the trained animals and remarkable feats of daring of the circus performers, but never before had seen such a wonderful collection of animals, such well trained horses, monkeys, elephants and other animals, nor such acts as presented by this great show. From the time the blare of trumpets announced the start of the parade at noon, the great circus was a rare spectacle of interest and amazement to the great crowd.

The fact that the show was so late getting into Vinita made it impossible to clean the hundreds of horses for the parade and they looked dirty and took away some of the splendor of this great pageant. The parade, even at that, was something remarkable and is a big feature of the Barnum & Bailey shows.

With thousands of people watching, the grand entry of the circus proper began at 2:30 for the afternoon performance and at 8 o'clock for the evening show. This grand entry was a beautiful pageant of horseback riders, chariot drivers, floats and of the so-called "led" animals.

To attempt to tell of the various acts that were remarkable would be to name each number on the program. The ascent of Jupiter, the magnificent white horse, in a balloon, and the work of the lady slack wire performer, probably stand out as the most remarkable of the circus acts. However the work of the aerial trapeze performers and tumblers, as well as an exhibition of a bunch of trained elephants, shared in the applause of the great throng of spectators. Taken all in all the Barnum & Bailey shows made a most pleasing exhibit in Vinita, and their visit to this city will be the subject of reminiscence for years to come.

MOB LYNCHES WHITE MAN WHO HAD NEGRO WIFE

Dumas, Ark., Sept. 28.—Breaking into the county jail here yesterday and over powering officers in charge, a mob of one hundred men took Charles Malpass, a white man, to a water tank and lynched him. The lynching followed a fight late Tuesday at the home of Malpass, in which Sheriff W. D. Preston, Deputy Sheriff Barney Stiel and two mulatto sons of Malpass were killed and Malpass wounded.

The officers had gone to the Malpass home to arrest the two sons. Malpass' injuries were at first believed to be mortal but when he was brought here and placed in jail his wounds were found not to be dangerous.

The wife of Charles Malpass, a negro woman, and Malpass' younger son, a young mulatto, escaped from the house. The authorities say they do not think the negroess and the boy engaged in the fight Tuesday and for this reason the two will not be sought.

The authorities say there was in tense feeling against the Malpass family because Malpass had married a negroess.

Millions Go to Postal Banks.

Washington, D. C., Sept. 28.—Two million and a half dollars was on deposit in the postal savings banks on August 31, according to official computations yesterday. There was an increase of \$1,000,000 during August. It is estimated that the aggregate of deposits September 30 will be \$4,000,000.

Presbyterian Church.

The meeting this evening will be of importance to every member of the church. The service will begin at 7:30 o'clock. Subject, "Listening While Jesus Speaks."